

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

| | | |
|----------------------------------|---|--------------------------------------|
| JANUARY JOHNSON MILLICAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action 4:09-CV-1206-JEO |
| |) | |
| MIDLAND FUNDING, LLC., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION

This is a Fair Debt Collection Practice Act (the “FDCPA”) case, which includes additional state law claims against the defendant. The defendant filed a motion to dismiss the plaintiff’s complaint. (Doc. 5). Shortly thereafter, the plaintiff filed an amended complaint, which adopts a large portion of the original complaint. (Doc. 11). On December 2, 2009, the magistrate judge assigned to this case entered a report and recommendation, finding that the motion to dismiss was due to be denied. (Doc. 14). No objections to the report and recommendation have been filed.

The court has considered the entire file in this action together with the magistrate judge’s Report and Recommendation and has reached an independent conclusion that the magistrate judge’s Report and Recommendation is due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES**

the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, the defendant's motion to dismiss (doc. 5) is due to be **DENIED**. An appropriate order will be entered.

DONE this the 14th day of January, 2010.

A handwritten signature in cursive script, appearing to read "V. Emerson Hopkins", written in black ink.

VIRGINIA EMERSON HOPKINS
United States District Judge